

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. _____

SUBJECT:

FOR: SEPTEMBER 2000 BOARD MEETING

TO BE PRESENTED BY: Lloyd Eagan

SUMMARY:

The Department is seeking adoption of these administrative rule revisions [AM-27-00] to achieve reductions in emissions of volatile organic compounds (VOC) and nitrogen oxides (NOx) sufficient to meet rate-of-progress as required under the attainment demonstration for the 1-hour ozone standard. Control measures for NOx and VOC established through these rules and the budgets established for transportation conformity assessments are needed under the Clean Air Act as part of Wisconsin's ozone air quality State Implementation Plan (SIP).

Substantial refinement has been made to the draft rule package which was authorized for public hearing in May. Key changes include a narrowing of the geographic scope of NOx controls to an eight county area of southeastern Wisconsin, a focusing of the control program for meeting of rate-of-progress emission reduction targets through 2007, and a refinement of the emission limits and size thresholds for sources required to adopt NOx emission performance standards. In addition, the revised rule package no longer includes the proposed NOx offset requirement for new facility emissions.

The remaining controversies associated with the proposed rules involve the inclusion of Sheboygan and Manitowoc counties as part of the rate-of-progress based ozone control area, the inclusion of additional VOC RACT controls, the details of the industrial cleaning operations VOC RACT and the need to adopt an excess VOC emissions fee as required by the CAA. State authority and EPA requirements for the various rule components are addressed in the background memo.

The schedule for finalizing the plan revisions, including completion of legislative review, is designed to ensure that these revisions are submitted to EPA by December 31, 2000.

RECOMMENDATION: Adopt the rule revisions in AM-27-00 as necessary to meet rate-of-progress emission reductions through 2007 as part of Wisconsin's Ozone Attainment Plan.

LIST OF ATTACHED MATERIALS:

No ☐ Fiscal Estimate Required
No ☒ Environmental Assessment or Impact Statement Required
No ☐ Background Memo

Yes ☒ Attached
Yes ☐ 1 Attached
Yes ☒ 2 Attached

APPROVED:

Bureau Director, Lloyd L. Eagan

Date

Administrator, Jay G. Hochmuth

Date

Secretary, George E. Meyer

Date

cc: Judy Scullion - AD/5
Carol Turner - LS/5

Lloyd Eagan - AM/7

[attorney] - LS/5

R. Park - AM/7

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background memo (if needed)*

Background Memo (if needed)*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

- * If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			
Office of Planning and Analysis			
Legal Services -Program Attorney -Carol Turner			
Other (if applicable)			